IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 802 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAHATMASINGH SHANBHUSINGH RAJPUT

Versus

GUJARAT TRANSPORT SERVICE

Appearance:

MR DF AMIN for the Petitioner.

MR AI SURTI for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 16/12/2002

ORAL JUDGEMENT

Rule. With the consent of the parties, the Revision Applicaiton is taken up for final hearing today.

The petitioner has challenged the order passed by the Small Causes Court, Ahmedabad in P.S.R.P. No.19 of

1996. By the impugned order, the application filed by the respondent was allowed and the present petitioner, who was the opponent of that application was directed to hand over the possession of the suit premises by 31st August, 2000. It is not in dispute that before the final order was passed by the Court in P.S.R.P. No.19 of 1996, the petitioner herein had already filed a suit before the Small Causes Court, Ahmedabad, being HRP Suit No.205 of 1996. Both the sides admit that there is an interim order in favour of the petitioner by directing both the parties to maintain status quo till the final hearing and disposal of the suit. This Court (Coram : Kundan Singh, J.) passed the following order on 22.8.2000 :-

> " ... ...
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> Issue notice returnable within four (4) weeks. The order dated 19.7.2000 passed in P.S.R.P. No.19/96 pending in the Court of Small Causes Judge, Court No.7, Ahmedabad, on the application Exh.52, shall remain stayed till the next date of listing of this matter. However, the Small Causes Court, Ahmedabad (Rent Court) is directed to reconsider the order dated 17.12.1996 passed in H.R.P. No.205/96 below the application Exh.5 within a period of one month from today after giving reasonable opportunity to the parties concerned, as from the order dated 17.12.1996, it appears that the plaintiff was the only permissible user of the suit premises.
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> ... ..."

Mr.Amin states that thereafter, the Small Causes Court re-heard the matter and passed an order below Exhibit 5 in H.R.P. Suit No.205 of 1996, by which the application of the present petitioner is allowed, and both the parties are directed to maintain status quo as per the Commissioner's report till final hearing and disposal of the suit. Mr.Surti, learned Advocate appearing for the respondent, submitted that the said order was challenged by his client by way of an Appeal from Order, but the appellate Bench has directed to dispose of the entire suit. He submits that he has no objection if the status quo is ordered to be maintained and appropriate direction is given to dispose of the suit, being HRP Suit No.205 of 1996, at the earliest. In the facts and circumstances of the case, and in view of the consensus prevailing between the parties, both the

parties shall maintain status quo prevailing as on today till the suit, being HRP Suit No.205 of 1996, is disposed of. In the facts and circumstances of the case, HRP Suit No.205 of 1996 be disposed of as expeditiously as possible, preferably by 30th June, 2003.

In view of the consensus between the parties, rule is made absolute, as indicated above, with no order as to costs.

Writ to be sent to the Small Causes Court so that the suit can be taken up for early disposal.

16th December, 2002 (P.B. Majmudar, J.)

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(apj)